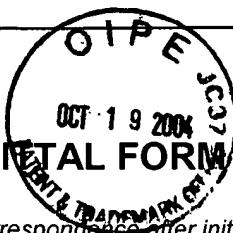


**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)



*Complete if Known*

Application Number	10/768,784
Filing Date	January 30, 2004
First Named Inventor	Dale E. HERMAN
Examiner Name	A.M. Grunberg
Group Art Unit	1661

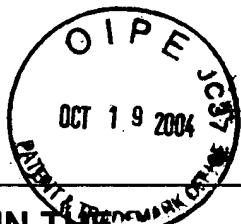
Total Number of Pages in This Submission 16

Attorney Docket Number 1464-002PP

**ENCLOSURES (check all that apply)**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers  | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1) Certificate of Express Mail Label No. EV207751849US |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  |   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s)  |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | REMARKS:  |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

SUBMITTED BY		Complete (if applicable)		
NAME & REG. NUMBER	Kenyon L. Schuett, Reg No. 44,324			
SIGNATURE	Kenyon L. Schuett	DATE	October 18, 2004	DEPOSIT ACCOUNT USER ID



10-20-04

IFW

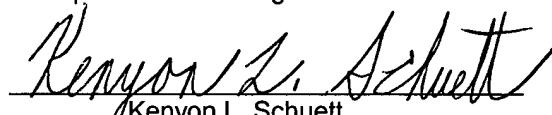
IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE

Application Number	10/768,784
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First Named Inventor	Dale E. HERMAN
Group Art Unit	1661
Examiner Name	A.M. Grunberg
Attorney Docket Number	1464-002PP

*Title of the Invention: Birch Tree Named 'VerDale'*

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this 18th day of October 2004. The number of the Express Mail mailing label is EV207751849US.

  
Kenyon L. Schuett  
Reg. No. 44,324

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 10, 2004, please amend the above-identified application as follows:

Applicant requests to provide a substitute specification under 37 CFR 1.125 due to the number of additions, deletions and modifications. Marked-up and clean copies of the substitute specification are attached to this Amendment. Applicant authorizes cancellation of the specification filed originally.